

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

UNITED STATES OF AMERICA,

Plaintiff,

:

Case Nos. 2:16-cr-059
2:18-cv-120

- vs -

District Judge Michael H. Watson
Magistrate Judge Michael R. Merz

RAMONE L. WRIGHT,

Defendant.

:

TRANSFER ORDER

This case is before the Court upon the filing by Defendant of an uncaptioned document (ECF No. 100) in which he argues that District Judge Watson “abused his discretion in grouping Count 3 of the predicate offense (Hobbs Act 18 U.S.C. § 1951) with Count 4 (18 U.S.C. § 924(c)(ii)(A)) which is a violation of . . . the Federal Revised Code.” (ECF No. 100 at PageID 379). He concludes that Judge Watson should have rejected the plea agreement and he now seeks “more appropriate resentencing.” *Id.* at PageID 380.

While Defendant does not apply the label, his filing is correctly characterized as a motion to vacate the conviction under 28 U.S.C. § 2255. Because Defendant has previously filed and the Court has decided a prior § 2255 motion, this Court lacks jurisdiction to consider the motion because it has not been certified by a panel of the Sixth Circuit under 28 U.S.C. § 2255(h). *Burton v. Stewart*, 549 U.S. 147 (2007); *Franklin v. Jenkins*, 839 F.3d 465(6th Cir. 2016). When a

defendant files a second or successive application under 28 U.S.C. § 2255, this Court must transfer the case to the Sixth Circuit for its consideration of whether the defendant may proceed. *In re Sims*, 111 F.3d 45 (6th Cir. 1997).

Accordingly, the Clerk is ordered to transfer ECF No. 100 to the United States Court of Appeals for its consideration under 28 U.S.C. § 2255(h).

April 14, 2021.

s/ *Michael R. Merz*
United States Magistrate Judge